

UNITED STATES DISTRICT COURT
 for the
 Southern District of Texas

Clerk, U.S. District Court
 Southern District of Texas
 FILED

APR 24 2015

David J. Bradley, Clerk of Court

United States of America)
 v.)
 NOYOLA, Salvador)
)
)
)
)

Case No. C-15-483 M

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of 4/23/2015 in the county of Brooks in the
Southern District of Texas, the defendant(s) violated:

Code Section

Title 21 Section 841(a)(1)

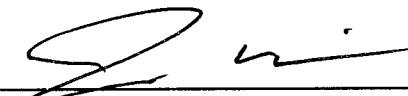
Offense Description

Knowingly, intentionally, and unlawfully possess with intent to distribute a controlled substance in Schedule I of the Controlled Substances Act of 1970, to wit, approximately 62.42 kilograms (aggregate gross weight) of marijuana.

This criminal complaint is based on these facts:

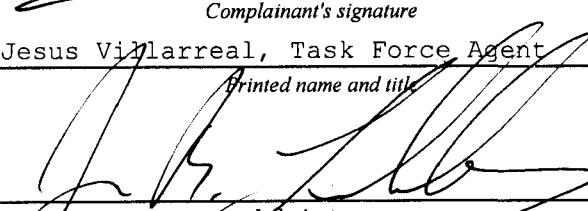
See Attachment "A"

Continued on the attached sheet.


 Complainant's signature

Jesus Villarreal, Task Force Agent

Printed name and title


 Judge's signature

Jason B. Libby, US Magistrate Judge

Printed name and title

Sworn to before me and signed in my presence.

Date: 4/24/2015

City and state: Corpus Christi, Texas

ATTACHMENT "A"

Defendant: Salvador NOYOLA

On April 23, 2015, Border Patrol Agent (BPA) Marc Weston was assigned immigration inspection duties at the United States Border Patrol Checkpoint on U.S. Highway 281, approximately 13 miles south of Falfurrias, Texas. At approximately 6:40 a.m., a single-cab gray 2002 Dodge Pickup Truck bearing Texas license plates FFG2783 approached for an immigration inspection. BPA Weston observed two (2) male occupants in the vehicle later identified as Salvador NOYOLA (Driver) and Roel FLORES (Passenger). BPA Weston asked both NOYOLA and FLORES if they were United States Citizens to which they responded "Yes." BPA Weston asked NOYOLA and FLORES where they were going to which they replied "Alice, for work." As BPA Weston conducted his immigration inspection, BPA Silva had his canine partner conduct a free-air sniff of the vehicle's exterior. BPA Silva advised BPA Weston that Silva's canine partner was alerting to the bed of the truck and directed NOYOLA to the secondary inspection area.

Once in secondary inspection, BPA Weston continued his conversation with NOYOLA and FLORES. BPA Weston observed FLORES looking around nervously as BPA Weston spoke to NOYOLA. BPA Weston then asked FLORES where he was from to which FLORES replied "Mission" and noticed that FLORES began looking around nervously again. As BPA Weston interviewed NOYOLA and FLORES, BPA Weston observed BPA Silva had his canine partner conduct a search of the vehicle and notice that BPA Silva and his canine partner were looking at a tool box in the bed of the pickup truck. BPA Weston asked NOYOLA what NOYOLA had in the tool box and NOYOLA replied, "Just tools for work." BPA Weston assisted BPA Silva in checking the tool box in the bed of the truck and noticed that there were two (2) tool boxes each with zip-ties securing them shut. BPA Weston was informed by BPA Silva that his service canine had alerted to the larger of the two tool boxes. BPA Weston and BPA Silva opened the larger of the two tool boxes and discovered multiple bundles wrapped with white and silver packaging tape hidden underneath clothes and miscellaneous tools that were spread across the top of the bundles. One of the bundles was cut open revealing a green leafy substance determined to be marijuana. NOYOLA and FLORES were placed under arrest and taken into the checkpoint for further processing. Observing the smaller tool box was secured in the same manner as the larger tool box, BPA Weston and BPA Silva opened the box discovering more bundles of marijuana wrapped in a black plastic garbage bag concealed in the same manner as the bundles found in the large tool box. A search of the truck passenger compartment revealed more bundles of marijuana hidden behind the seats of the truck.

BPA Weston read NOYOLA and FLORES their Miranda Rights. Both NOYOLA and FLORES requested to speak to an attorney before answering any questions related to their arrest.

On April 23, 2015, DEA Corpus Christi Resident Office TFA Jesus Villarreal and TFO Mark Flores arrived at the Falfurrias, Texas U.S. Border Patrol Checkpoint to conduct the investigation. TFA Villarreal and TFO Mark Flores did not question NOYOLA or FLORES as they had invoked their right to have an attorney present with Border Patrol Agents at the Falfurrias, Texas Border Patrol Checkpoint and advised NOYOLA and FLORES of this. TFA Jesus Villarreal as witnessed by TFO Mark Flores also advised NOYOLA and FLORES that they would be taking their biographical information only and did not have to speak about the allegations related to this case. NOYOLA freely and without prompting stated that FLORES did not know anything and that all the equipment, less the wet saw to cut tile, belonged to NOYOLA. NOYOLA stated he was responsible for everything concerning this incident. FLORES provided biographical information only.

AUSA Elsa Salinas was notified of the seizure and authorized federal prosecution for NOYOLA. NOYOLA was transported to the Coastal Bend Detention Center in Robstown, Texas for overnight detention pending further judicial proceedings.

The amount of marijuana seized implies possession with the intent to distribute.